

**LELAND TOWNSHIP PLANNING COMMISSION**  
**Wednesday, December 6, 2023**  
**Leland Township Library, Munnecke Room**  
**200 Grand Avenue, Leland, MI 49654**

**I. Call Meeting to Order/Pledge of Allegiance**

**II. Motion to Approve Agenda**

Motion to reverse the order of presentation of new business items one and two, approved by PC unanimously.

**III. Declaration of Potential Conflicts of Interest** – Skip Telgard recuses himself from the discussion during new business regarding the Bluebird site plan review

**IV. Approval of minutes: October 4, 2023**

Motion to approve minutes from October 4, 2023 as presented, all present in favor; motion approved.

**V. Correspondence**

No correspondence to discuss

**VI. Public Comment** (three minutes per person unless extended by Chairperson)

Mr. Keith Ashley thanked the PC and everyone in the community for their diligence regarding the PUD. He also thanked Dan Korson for staying and Tim Cypher for his thorough findings regarding the Peterson PUD.

**VII. Reports**

The Township Board had nothing to report.

**ZBA Rep:**

Tim Cypher reported that the ZBA will have a meeting coming up soon.

**VIII. Old Business – PUD 211 N. Main Street, Leland, MI 49654/Joel Peterson**

It was communicated that the unapproved findings of fact are online and accessible to the public. The PC had been provided legal feedback concerning aspects of the findings and asked to be more factually specific in the findings should the case end up in court. The Findings document was discussed in detail by the PC, with changes being made and agreed upon by all during the meeting. The updated Findings document will be made available online.

Mr. Cypher referenced the commissioners of the attorney-client privilege guidance document from the township's legal counsel that details the lengths to which they

want to identify fair and reasonable findings that are supported by factual evidence. With this guidance, the PC reviewed areas of the document that required new input, specifically the areas that were highlighted or denoted with color were discussed in detail.

## **FINDINGS OF FACT/CONCLUSIONS**

Section 6.03.B.30 – The waiver request was briefly discussed and tabled to be picked up later in the review

Section 6.05.A – Satterwhite provided the Findings document with suggested changes noted in redline and the PC discussed this section in detail.

The discussion centered around the sheer size and scale of the building compared with neighboring properties. Specific examples were provided of neighboring properties, both pictures and building square footage information and there was nothing similar to the proposed PUD. The character aspect of the ordinance was also discussed at great length.

Although the applicant followed the technical setback and height requirements of the ordinance as written, the aspect of character was omitted. The architect never came to Leland, and could not have understood the character of the village or design for it.

There was no response to the findings document from the Applicant, and no one was representing the PUD project at this meeting.

After much discussion, the PC agreed to adapt certain redline changes provided by Satterwhite in the Findings document.

### Article 7, Section 7.01

There was another general discussion about the design and size of the proposed structure, and the PC concluded that the 4 key things at issue are the proposed size or mass of the building, the roof types, the total lot coverage of the project, and the fact that it has no open space. The PC discussed proposed wording changes for the Findings document submitted by Satterwhite and agreed to the changes.

It was noted that over 200 letters of opposition from residents of Leland were received and that administrative remedies need to be followed as this may be brought to the ZBA.

### Section 7.02.D2

The PC discussed the attorney's comments and recommendations and agreed to add a statement of conclusion. The document will be updated and note "Findings/Conclusions".

### Article 16, Section 16.01

Additional language was added by Satterwhite and discussed by the PC. The discussion centered around the flat roof being an issue, but the PC agreed it's not the roof alone, rather the roof combined with the size of the proposed building. ZA Cypher referenced the attorney recommendations regarding documenting why

conditions are not being met, and the PC agreed to add additional information about how the appearance is not compatible. They also agreed to bring language from Section 6.05.A to this section.

There was discussion about using specific language comparing the proposed property to neighboring properties, and specifically noting the character difference. The PC agreed to use the language provided by Satterwhite in the redline document and will update the document accordingly.

Article 17, Section 17.01.D

The PC agrees that a performance guarantee (PG) should be required. If approved at some time in the future, the PG will be determined by the ZA.

Section 17.01.E it was noted that the highlights on page 18 of the Findings/Conclusions document should be disregarded.

Section 17.01.F the PC agreed to send this to the ZBA for review if the application is approved at some time in the future.

Section 17.02 the PC agreed to move the conditions section, highlighted in red, to the findings section.

Section 23.04 The PC noted that permission from the Road Commission is required regarding the turf area between the road right of way and the street.

Whether or not to vote on the proposal was discussed. Concern was expressed that the findings/conclusions document should be updated and reviewed for correctness first. It was noted that the attorney's input about specifics has been addressed. Clint Mitchell made a motion to deny the application, and the roll call votes were all AYE so the motion to deny was unanimously carried.

Cypher communicated that public notices will be made if you live within 300 feet of the proposed building if the applicant contests the PC's decision. The applicant will have 21 days once the meeting minutes are approved to appeal the motion.  
(January 3<sup>rd</sup> meeting)

## IX. New Business

### 1. Atlas Tower 1, LLC presentation by Bill Williams

Presentation package provided and Mr. Williams opened with a description of the company and why AT&T partners with them so frequently. They have a global reach, but are small town at heart (based out of Grayling).

The current tower is a wooden pole near the new proposed location. Atlas Tower is working to replace all wooden poles that are owned by AT&T. The new tower is needed to increase signals to the east, north, and west of the location. It was noted that this particular area has terrible reception, and improving this is critical as the current structure is a failed structure. First responders use First Net, a government used network with AT&T, and the new tower will better support this network.

General information was provided and discussed: The proposed structure is double the height of the existing structure, it will be 194' high with a 5' tall lightning rod. Total 199'. There will not be a light on the tower, per FAA requirements. 81% of all 911 calls are made from a mobile device which is another reason a dependable network is critical. With the proliferation of new technology, dependable connectivity is required. Eventually, other townships will require more towers and once this infrastructure is in place, many of the connectivity problems will go away in the county.

The PC questioned what would happen if they went out of business. Mr. Williams communicated that the company is bonded, and if they went out of business the assets are valuable and would be utilized and maintained by someone.

The PC questioned whether or not where the towers are placed is coordinated by the county. Mr. Williams communicated that there is a coordinated group looking at both broadband and cell coverage, but primarily this is coordinated by the mobile network operators trying to provide coverage for their customers.

The request was made for Mr. Williams to provide a larger size map, in color, overlaid with a Leland map. He requested 11"x17" for the PC members (8), and a poster board size for public display. Mr. Williams confirmed that he would do this and it would be sent by mail.

Mr. Keith Ashley asked how long it would take to put the tower up, and Mr. Williams communicated that it could take 6 months, depending on the weather.

The PC made a motion for a public hearing, and was carried with an Aye vote by all.

## 2. Bluebird Site Plan Review, presented by Lynn Telgard

The Bluebird Redevelopment project is a 3-phase project, and it was requested that the PC review and approve the application for all 3 phases. Each phase will take approximately 2 years. Phases 2 and 3 are not designed yet however the building footprints were shown on the provided site plan.

The PC questioned what would happen if there were changes once the phases were approved, and Cypher noted that they are categorized as either major or minor, and handled accordingly. There was a request for 3D renderings, but they were not available for the meeting.

There was a discussion about the retail space and whether or not it has access to the restaurant, it does not. There is only shared garbage between the two spaces. Eventually the Bluebird and Earlybird properties will be merged into one property.

Upon approval, demolition of the Bluebird will take place December 15-25<sup>th</sup>, with targeted completion by August 2025. There was a discussion about the roof, and it

was stated that it will be flat. The buildings replacing the existing buildings will be 2 story buildings, with residential and office space on the second floors. They will use the existing curb cut, and are working with the road commission on utilizing this as well as the proposed parking access. The road commission wants the curb to be 24' wide which could create issues for the future Phase 2 & 3.

The PC questioned why they are seeking approval for all 3 phases at this time, and it was stated that it would streamline their process. The PC agreed that it was too much to consider all 3 phases at this time and there were no building plans submitted for phase 2 or 3, so the PC agreed to just consider Phase I at this time. The PC agreed to review Phase I Findings.

Keith Ashley had a question about Phase 3 that was clarified by Lynn Telgard one of the owners.

Sharon Ashley asked the PC to approve the project so that they can be operational for the community again.

Specifics sections from the Findings document were discussed by the PC:

Phase 1 only:

Section 6.03.B.5 – conditional, updated drawing required; specifically plan or narrative regarding open space.

6.03.B.9- Bluebird has specific room with access by retail space. Site plan should reflect planned use. Trash room will open via a garage door.

6.03.B.10 – it was stated that all signage needs to meet zoning requirements.

6.03.B.12 – There is no landscape plan yet. Conditional approval with timeline and drawings was discussed. There is a lighting plan available for Phase 1.

6.03.B.16 – Project completion is aggressively targeted for August 2024, with a 2025 planned opening.

6.04 Site Plan response from Fire Chief:

Based on your current plan and design your request meets the minimum requirements and is approved. The following points were also noted by Fire Chief Daniel Besson in the letter dated 12/6/2023:

- The multi-use units 2 and 3 may require fire detection, alerting, and suppression systems may need to be installed. These will be reviewed and outlined once I have a set of plans to review.
- Area 1 (the restaurant) may require those same systems, as listed above, and an egress plan, depending on the occupancy type, proposed occupancy load, cooking devices, cooking fuels, and storage. Again, these will be reviewed and outlined once I have a set of plans to review.
- All buildings will require an outside, secure key lock box (aka: the "Knox Box") to access the building 24/7 for entry during a fire department response.

Lynn Telgard agreed that they will follow any guidelines provided by the Fire Chief.

6.05.N – EGLE has approved project as a whole. They are reviewing the well results and working with the health department. Cypher requests EGLE sign off and

indication that there are no red flags with the well. They will work on a variance with the health department if need be.

Article 20 – still pending, conditional approval.

Section 20.02.B.1 – N/A, no additional culverts being installed

Section 20.04 – copy of liquor control requested as it regards to fencing requirements

General discussion by PC and Applicant:

-Cypher to work with Applicant on Performance Guarantee

-Some members of the PC felt that there was a lack of information provided, while others felt that the information provided was no different than other projects.

-The PC agreed that conditional permits could be issued with Cypher support and follow through.

-The Applicant was notified that if they chose to condominiumize the residential space proposed, they will go through the same process as the PUD project.

The motion to approve Phase I with conditions of site plan review based on the findings provided and discussed, set forth in Article 6 and any other applicable sections was made by Satterwhite, and seconded by Mitchell. Approved with all Ayes by PC members.

X. Other Business:

Suggestion by Sam Simpson to change the meeting time to 5:30 p.m.

XI. Public Comment:

Keith Ashley thanked everyone for approving Phase I of the Bluebird project. He stated that there may be another project with overtures similar to the PUD project. He has developed a citizen committee and wants to create language about character as it relates to the zoning ordinance, but only if the PC is open to it. He specifically wants to work on the C1 district and suggest changes to ordinance language regarding character. Sattlerwhite suggests they focus on updating existing language. Cypher reminds the PC that changing ordinance language is a 6-month process and that they should finish and evaluate the Master Plan first and Zoning second. Cypher suggests that this topic be discussed in next meeting.

Mr. Ashley continues and informs the PC that there is a legal, formal historic district that is registered in Leland. The process was started in 1973 and completed in 1975. He suggests that the district be considered and whether or not it be expanded to eliminate current issues with zoning. Cypher states that the Township Board years ago rescinded these parameters in the past because they didn't want to answer to others.

XII. Next agenda:

- Election of officers

- Goals

- Meeting time change

XIII. Adjournment

UNAPPROVED

Chairman Korson adjourned the meeting at 10:40 P.M. and thanked everyone for their support. He also informed Mr. Ashley that both Lake Leelanau and Leland can be good towns.

The next scheduled meeting will be held on Wednesday, January 3, 2024, at 7 P.M. at the Leland Township Library in the Munnecke Room unless otherwise noted.

Respectfully Submitted by

Andria Bufka - Recording Secretary